IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 15117 OF 2007

Dated : July 17, 2007

Between:

P. Subramanyam and others

Petitioners

AND

Government of India, Department of Mines,
Rep. By its Secretary, New Delhi and others

Respondents

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

AND

THE HON'BLE MR. JUSTICE G.CHANDRAIAH

WRIT PETITION NO. 15117 OF 2007

ORAL ORDER: **(per THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)**

This writ petition is filed seeking a writ of certiorari calling for the records relating to the order dated 30.03.2007 made in O.A. No.188 of 2007 by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and to quash the same as illegal and arbitrary.

The case of the petitioners before the Tribunal is to issue a direction to the respondents to send back the 5th respondent herein, who is working on deputation, inasmuch as if he is continued, he will be promoted and the promotional avenues of the petitioners would be jeopardised.

Whereas, it is the case of the 5th respondent that the O.A. itself is not maintainable and in fact, earlier OA (SR) No. 143 of 2004 was filed by the Association challenging his deputation, but it was dismissed on the ground that there were no sufficient grounds to condone the delay in representing the O.A.

The Tribunal, having heard learned counsel for the parties, dismissed the O.A. observing that since no order has been passed promoting the 5th respondent,

the application is pre-mature, but however, it has observed that whenever the 5th respondent is promoted and if it is detrimental to the interest of any of the petitioners, they can approach the Tribunal. Thus giving liberty to approach the Tribunal in the event of promotion of 5th respondent to the detrimental of their interest, the O.A. was disposed of.

Aggrieved thereby, the petitioners preferred this Writ Petition.

As observed by the Tribunal, there is no impugned order passed by the respondents and, therefore, the petitioners do not get cause of action to file the O.A. Having heard the learned counsel for the parties, we are of the considered view that the Tribunal is perfectly justified in holding that there is no cause of action for the petitioners as of now and in the event of 5th respondent being promoted to the detriment of the interest of the petitioners, they are at liberty to approach the Tribunal. Therefore, having regard to the facts and circumstances, we find no illegality or irregularity in the order passed by the Tribunal warranting interference.

Consequently, the writ petition is dismissed, being

devoid of merits. No order as to costs.

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T.MEENA KUMARI, J.

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G.CHANDRAIAH, J.

July 17, 2007
MAS